

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CR. NO. 97-00250-001 (DRD)

DWIGHT CASANAS-ROSARIO

MOTION FOR SOME DISPOSITION AND

**TO THE HONORABLE DANIEL R. DOMINGUEZ
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, SANDRA VELEZ GARCIA, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of the offender, Dwight Casanas-Rosario, who on August 24, 2001, was sentenced to sixty (60) days of imprisonment to be followed by a five (5) year term of Probation, for violating Title 18, U.S. Code, § 228 – Failure to Pay Legal Child Support Obligation. A Special Monetary Assessment in the amount of \$10.00 was imposed along with Restitution in the amount of \$28,523.70 to be paid during the supervision period, through the Clerk's Office, U.S. District Court for the District of Puerto Rico, for disbursement to the victim, Mrs. Lydia E. Montes. The offender shall provide access to any financial information upon request and produce evidence to the effect that annual income tax returns have been filed. The Court also imposed that the offender shall comply with the court ordered child support obligation and shall provide evidence to the U.S. Probation Officer regarding his compliance with the payments made to the Administration For Child Support Enforcement. Drug testing submission was also imposed.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:

Mr. Casanas-Rosario has been supervised in the Southern District of Florida for the duration of his probation. He has resided with his current wife and daughter, and has maintained full time verifiable employment. He has paid \$500.00 per month toward his restitution debt as court ordered.

During the duration of the offender's probation, he has legally filed his tax returns. For tax year 2004, the offender was due to receive a refund of \$5,584.00. The refund was diverted toward child support. A letter from the Internal Revenue Services confirms that the \$5,584.00 tax refund was applied toward the child support debt. Personnel from the Administration For Child Support Enforcement confirmed that the money was sent to the victim, Mrs. Lydia E. Montes, on September 1, 2005. According to Mrs. Edith Rios, U.S. Clerk's Office in Puerto Rico, with this payment, the restitution debt is completed.

Your Honor, reference is made to Transmittal 2, Volume X, Chapter IV, Page 11, for the Guide to Judiciary Policies and Procedures from the Administrative Office of the United States Court; in which the Judicial Conference recommends simultaneous supervision and jurisdiction when offenders are residing in another district other than the sentencing district.

WHEREFORE, in view of the aforementioned, it is respectfully requested that the Court grant the \$5,584.00 tax refund be credited toward the restitution debt, thus, the Clerk's Office, U.S. District Court for the District of Puerto Rico be notified and cancel offender's debt. It is also respectfully requested that the Court initiate Transfer of Jurisdiction. Enclosed are two originals of Probation Form 22 - Transfer of Jurisdiction, for your consideration and approval. Please return both originals to our office for forwarding to the supervising district.

In San Juan, Puerto Rico, this 24th day of October 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Sandra Vélez García
Sandra Vélez García
U.S. Probation Officer
Federal Office Building Room 400
150 Chardón Avenue
San Juan, P.R. 00918-1741
Tel. 787-281-4911
Fax 787-766-5945
E-mail: sandra_vezlez@prp.uscourts.gov

CERTIFICATE OF SERVICE

I HEREBY certify that on October 24th, 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Edna C. Rosario, Assistant U.S. Attorney, Torre Chardón, Suite 1201 #350, Carlos Chardón Ave., Hato Rey, PR 00918 and María T. Arsuaga, Assistant Federal Public Defender. 241 F.D. Roosevelt, El Patio Gallery Bldg., San Juan, PR 00918-2441.

At San Juan, Puerto Rico, October 24th, 2005.

s/Sandra Vélez García
Sandra Vélez García
U.S. Probation Officer
Federal Office Building Room 400
150 Chardón Avenue
San Juan, P.R. 00918-1741
Tel. 787-281-4911
Fax 787-766-5945

E-mail: sandra_velez@prp.uscourts.gov